

WSR 24-09-080

**PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF AGRICULTURE**

[Filed April 17, 2024, 10:00 a.m.]

Subject of Possible Rule Making: Chapter 16-752 WAC, Noxious weed seed and plant quarantine. In response to petitions received, the department of agriculture (department) is considering adding additional species to the noxious weed seed and plant quarantine, which would prohibit their sale and distribution.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 17.10.074, 17.24.011, and 17.24.041.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The intrusion into this state of nonnative, invasive weed species continues to be a concern. The spread of these weeds presents a risk to the economic well-being of the agricultural, forest, horticultural, and floricultural industries, and the environmental quality and natural resources of the state. Several of the plant species being considered are transported and sold within the state of Washington both as nursery plants and as seeds in packets. The subsequent "escape" of these plants has been a documented source of several infestations and has resulted in large public and private expenditures by landowners and land managers, weed boards, and weed districts to control. Initiating quarantines forbidding entry or distribution of weed species may be critical for their exclusion or control.

Some of the candidate species are either already listed or are being considered for listing as a noxious weed in chapter 16-750 WAC, the state noxious weed list. Being listed as a noxious weed allows counties to enforce control if it is deemed necessary and sometimes requires control. Being listed as a noxious weed on the state noxious weed list doesn't prohibit its sale, allowing consumers to buy a plant species that the state or county may require them to remove. Adding a plant species to the noxious weed seed and plant quarantine would prevent this from happening.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Washington state noxious weed control board.

Process for Developing New Rule: Department staff will discuss any proposed amendments with affected stakeholder groups. Affected stakeholders will also have an opportunity to submit written comments on the proposed rules during the public comment period and will be able to present oral testimony at the public hearing.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Scott Brooks, Plant Services Program Manager, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-485-1235, fax 360-902-2094, TTY 800-833-6388 or 711, email sbrooks@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>; or Greg Haubrich, Assistant Director, Plant Protection Division, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-902-2071, fax 360-902-2094, TTY 800-833-6388 or 711, email ghaubrich@agr.wa.gov, website <https://agr.wa.gov/services/rulemaking>.

April 5, 2024
Greg Haubrich
Assistant Director